

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Roque “Rocky” De La Fuente,

Plaintiff,

v.

South Carolina Democratic Party,

Defendant.

C/A. No. 3:16-322-CMC

Order

This matter is before the court on South Carolina Democratic Party’s (hereinafter, “Defendant”) motion for summary judgment, filed October 3, 2016. ECF No. 68. Plaintiff filed a response in opposition to the motion summary judgment. ECF No. 71. Defendant did not file a reply.

Summary judgment should be granted if “the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). It is well established that summary judgment should be granted “only when it is clear that there is no dispute concerning either the facts of the controversy or the inferences to be drawn from those facts.” *Pulliam Inv. Co. v. Cameo Properties*, 810 F.2d 1282, 1286 (4th Cir. 1987).

The party moving for summary judgment has the burden of showing the absence of a genuine issue of material fact, and the court must view the evidence before it and the inferences to be drawn therefrom in the light most favorable to the nonmoving party. *United States v. Diebold, Inc.*, 369 U.S. 654, 655 (1962). “A party seeking summary judgment always bears the initial responsibility of informing the district court of the basis for its motion, and identifying those portions of ‘the pleadings, depositions, answers to interrogatories, and admissions on file, together

with the affidavits, if any,' which it believes demonstrate the absence of a genuine issue of material fact." *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986).

Defendant's motion is a simple, two paragraph filing arguing that there is "no genuine issue of material fact and the South Carolina Democratic Party is entitled to judgment as a matter of law. ECF No. 68. While the motion states that it is supported by "Defendant's responses to Plaintiff's Discovery, as well as the pleadings, deposition testimony of Plaintiff and other discovery on file in this matter, and any memorandum of law submitted in support of this Motion," no such memorandum was filed and no evidence put forth in support of the motion. Defendant has failed to meet its burden of showing the absence of a genuine issue of material fact. Therefore, Defendant's motion for summary judgment is denied without reaching the merits of the action.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
November 9, 2016